

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE
(REV. 07-2004)

TRANSMITTAL LETTER TO THE UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)

CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

259908US0XPCT

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/508958

INTERNATIONAL APPLICATION NO.

PCT/JP03/03823

INTERNATIONAL FILING DATE

27 March 2003

PRIORITY DATE CLAIMED

5 April 2002

TITLE OF INVENTION

DEPSIPEPTIDE FOR THERAPY OF KIDNEY CANCER

APPLICANT(S) FOR DO/EO/US

NAOE Yoshinori et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☒ Other items or information:

PCT/IB/304/Notice of Priority/PCT/IB/308

Application Data Sheet/Request for Consideration

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <div style="font-size: 24pt; font-weight: bold; text-align: center;">10/508958</div>		INTERNATIONAL APPLICATION NO. <div style="font-weight: bold; text-align: center;">PCT/JP03/03823</div>		ATTORNEY'S DOCKET NUMBER <div style="font-weight: bold; text-align: center;">259908US0XPCT</div>	
24. The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)) : <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) </div> <div style="text-align: right;"> \$1080.00 \$920.00 \$770.00 \$730.00 \$100.00 </div> </div> <div style="text-align: right; font-weight: bold; margin-top: 5px;"> ENTER APPROPRIATE BASIC FEE AMOUNT = </div>				CALCULATIONS PTO USE ONLY <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). <div style="display: flex; justify-content: flex-end; align-items: center;"> <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 </div>				<div style="border: 1px solid black; padding: 2px;">\$950.00</div> <div style="border: 1px solid black; padding: 2px;">\$130.00</div>	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	23 - 20 =	3	x \$18.00	\$54.00	
Independent claims	5 - 3 =	2	x \$88.00	\$176.00	
Multiple Dependent Claims (check if applicable). <div style="display: flex; justify-content: flex-end; align-items: center;"> <input checked="" type="checkbox"/> </div>				\$300.00	
TOTAL OF ABOVE CALCULATIONS =				\$1,610.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$0.00	
SUBTOTAL =				\$1,610.00	
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)). <div style="display: flex; justify-content: flex-end; align-items: center;"> <input type="checkbox"/> 20 <input type="checkbox"/> 30 + </div>				\$0.00	
TOTAL NATIONAL FEE =				\$1,610.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <div style="display: flex; justify-content: flex-end; align-items: center;"> <input type="checkbox"/> </div>				\$0.00	
TOTAL FEES ENCLOSED =				\$1,610.00	
				Amount to be: refunded	\$
				charged	\$
<div style="display: flex;"> <div style="flex: 1;"> <p>a. <input type="checkbox"/> A check in the amount of _____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees.</p> <p>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>15-0030</u></p> <p>d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> </div> <div style="flex: 1; border-left: 1px solid black; padding-left: 10px; margin-left: 10px;"> <p style="text-align: center;"> SIGNATURE Norman F. Oblon NAME 24,618 REGISTRATION NUMBER Oct. 5 2004 DATE </p> </div> </div>					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO: <div style="display: flex; justify-content: space-between;"> <div> CUSTOMER NUMBER 22850 Surinder Sachar Registration No. 34,423 </div> <div style="text-align: right;"> 24,618 REGISTRATION NUMBER </div> </div>					

Docket No. 259908US0X PCT
 IN RE APPLICATION OF: Yoshinori NAOE, et al.
 SERIAL NO: 10/508,958
 FILED: October 5, 2004
 FOR: DEPSIPEPTIDE FOR THERAPY OF KIDNEY CANCER

COMMISSIONER FOR PATENTS
 ALEXANDRIA, VIRGINIA 22313

SIR:

Transmitted herewith is an amendment in the above-identified application.


- ☒ No additional fee is required
☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.
☐ Additional documents filed herewith:

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	20	MINUS	23	0	x \$50 =	\$0.00
INDEPENDENT	5	MINUS	5	0	x \$200 =	\$0.00
		<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS			+ \$360 =	\$0.00
		TOTAL OF ABOVE CALCULATIONS				\$0.00
		<input type="checkbox"/> Reduction by 50% for filing by Small Entity				\$0.00
		<input type="checkbox"/> Recordation of Assignment			+ \$40 =	\$0.00
		TOTAL				\$0.00

- ☐ A check in the amount of \$0.00 is attached.
☐ Credit card payment form is attached to cover the fees in the amount of \$0.00
☒ Please charge any additional Fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

OBLON, SPIVAK, McCLELLAND,
 MAIER & NEUSTADT, P.C.
 Norman F. Oblon


 Surinder Sachar
 Registration No. 34,423

Customer Number
22850

Tel. (703) 413-3000
 Fax. (703) 413-2220
 (OSMMN 05/03)

DOCKET NO.: 259908US0XPCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Yoshinori NAOE et al.

SERIAL NO.: NEW U.S. PCT APPLICATION

FILED: HERewith

INTERNATIONAL APPLICATION NO.: PCT/JP03/03823

INTERNATIONAL FILING DATE: March 27, 2003

FOR: DEPSIPEPTIDE FOR THERAPY OF KIDNEY CANCER

REQUEST FOR PRIORITY UNDER 35 U.S.C. 119(e)
AND THE INTERNATIONAL CONVENTIONCommissioner for Patents
Alexandria, Virginia 22313

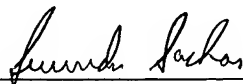
Sir:

In the matter of the above-identified application for patent, notice is hereby given that the applicant claims as priority:

COUNTRY
USA**APPLICATION NO**
60/369,868**DAY/MONTH/YEAR**
05 April 2002

Certified copies of the corresponding Convention application(s) were submitted to the International Bureau in PCT Application No. PCT/JP03/03823. Receipt of the certified copy(s) by the International Bureau in a timely manner under PCT Rule 17.1(a) has been acknowledged as evidenced by the attached PCT/IB/304.

Respectfully submitted,
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon
Attorney of Record
Registration No. 24,618
Surinder Sachar
Registration No. 34,423

Customer Number

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